

Transportation

Acadia. I am not certain, in quoting, the actual line numbers, and so on, as in the mimeographed part we have no lines. I move:

That clause 16 (2) (b) be amended as follows: In the line "may prejudicially affect the public interest in respect".

After the word "affect" insert the following words "the business of the complainant or". The line would then read: "May prejudicially affect the business of the complainant or the public interest in respect of."

I am sorry I have only one copy of the amendment.

Mr. Pickersgill: Before the Chairman puts that amendment I wonder if I might ask a question of the hon. member for Acadia. I wonder whether this was not moved before and rejected by the house. I am not quite sure. Could that be verified, perhaps? I know the hon. member brought up the point and suggested he would move an amendment.

Mr. Cantelon: Before the hon. member for Acadia answers, this is the point about which I asked the minister yesterday. I heard no answer. So far as I can see there has been no definite treatment of this amendment, and that is why I have now presented it.

Mr. Pickersgill: I am sure there must be a record at the table. This debate has gone on for so long that I am sure the hon. gentleman will not fault me for not remembering everything. I remember the point being raised by the hon. member for Acadia, who suggested he might move an amendment. Quite frankly, I have forgotten whether he moved it. It may be, in the light of the extensive amendments fabricated as the result of the observations of the hon. members for Peace River and Springfield, if I remember correctly, that the hon. member decided not to move his amendment.

While the matter is being looked up I might direct a question to the hon. gentleman about the relationship between clause 16 and clause 1. I would ask him whether he feels that this amendment will add much to the rights the shipper would have. If he looks at clause 16 (1) (b) he will see this:

the expression "public interest" includes, without limiting the generality thereof, the public interest as described in section 1.

If you look at clause 1 (d) you will see where the public interest is described. It says:

—each mode of transport so far as practicable carries traffic to or from any point in Canada under tolls and conditions that do not constitute
(i) an unfair disadvantage—

And so on.

[Mr. Cantelon.]

All a shipper needs to do, it seems to me, is to look at the rate someone else is getting in like circumstances and say that the rate he has been offered constitutes an unfair disadvantage. While the words here are not precisely the same as the word "prejudiced" they are, I think, much more specific and would enable someone to make a much better case. How do you prejudice somebody's business? You could perhaps prejudice somebody's business by charging any tolls at all, if you get a situation—as came up in one suggestion yesterday—where the rate from Ottawa to Halifax and the rate from Ottawa to Montreal would be the same. In that case could not someone in Canada say that his business was being prejudiced because a low rate was given for this longer distance to someone, somewhere else?

Mr. Forrestall: You are picking on us again.

Mr. Pickersgill: I just picked the first illustration I thought of. Perhaps I should take an illustration from western Canada. Suppose for example the rate from Medicine Hat to Winnipeg was the same as from Brandon to Winnipeg. Would not a businessman in that case be able to say that one rate was giving an undue disadvantage to someone in Medicine Hat over someone in Brandon? It seems to me that the words the hon. member for Peace River suggested should be included as part of the definition of public interest, so that there would be no question of undue disadvantage, except that inherent in different volumes of traffic and all the other things set out here which are almost taken from the Manitoba brief, as the hon. member for Kindersley will undoubtedly recall. I have been filling in time, but I did so to ascertain whether any such amendment was ever moved.

Mr. Olson: Could we not have copies, so that we may understand it?

Mr. Horner (Acadia): The minister asked a question, and I ought to answer it.

The Deputy Chairman: Order, please. Shall I read the proposed amendment?

Mr. Pickersgill: I ask Your Honour not to read it until we settle the question of whether it has been moved before.

Mr. Horner (Acadia): I suggested something similar to this on January 10, or when this clause was first debated, but I did not move the amendment. I did not move it because the